IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO: 8925 of 1995

Between:

1 Kukati Chandrasekhar Reddy (died) per LR S/o. Venkatarami Reddy, r/o. Pogathota, Nellore District.
2 Kukati Parvathamma W/o. Chandrasekhar Reddy
R/o. Gandhi Street, Nellore Town.

(Petitioner No.2 was brought on record as the L.R. of the deceased petitioner as per the court order dt. 28-10-2004 in WPMP 25895 of 2004)

..... PETITIONERS

AND

1 The Collector,
Nellore, Nellore District.
2 The Revenue Divisional Officer,
Nellore, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction one in the nature of Writ of Mandamus declaring the action of the 1st Respondents in issuing a notification under Section 4(1) of the Land Acquisition Act and declaration under section 6 of the Act in his proceedings RCH No.1.4117/94 dated 31.10.1994 proposing to acquire Ac.1. of dry land comprised in Survey No.18/C2 situated in Ravur Village, hamlet of Komarika, Indukurpet Mandal, Nellore District as illegal, arbitrary, mala fide and without jurisdiction and set aside the same.

Counsel for the Petitioner: MR. P.SRIDHAR REDDY

Counsel for the Respondents: Government Pleader for Revenue.

The Court made the following O R D E R:

The only grievance of the petitioner was that the enquiry under Section 5 of the Land Acquisition Act, 1894 (for short "the Act") was dispensed with mechanically. He relies on the judgment of the Supreme Court reported in ***Union of India vs. Mukesh Hans.*** The petitioner was able to get stay from this Court in the year 1995 and already ten years have passed. If the Government had in fact any urgency, they could have taken steps to get the order of stay vacated from this Court. Since the Government could wait for ten years, it can as well conduct an enquiry under Section 5 of the Act.

For these reasons, I allow the writ petition, set aside the declaration under Section 6 of the Act, upholding the notification under Section 4(1) of the Act. If the respondents still intend to acquire the land of the petitioner, they have to hold an enquiry in terms of Section 5 of the Act and proceed in the matter. No order as to costs.

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(Bilal Nazki, J)

20th January, 2005.

vrn

That Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday, the Twentieth day of January, Two thousand and Five.

To

1 The Collector, Nellore, Nellore District.

2 The Revenue Divisional Officer, Nellore, Nellore District.

3 Two CCs to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad. (O.U.T.)

4 Two CD copies.